

REMARKS

The Office Action mailed December 8, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 3-7, 10-16, 18-22, and 25-30 are now pending in this application. Claims 1, 3-7, 10-16, 18-22, and 25-30 stand rejected. Claims 2, 8, 9, 17, 23 and 24 have been previously canceled.

The rejection of Claims 1, 5-7, 10-13, 16, 20-22, and 25-28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,234,161 to Levi et al. (hereinafter referred to as "Levi") in view of U.S. Patent 6,050,893 to Waite (hereinafter referred to as "Waite") is respectfully traversed.

Levi describes a gas cooking appliance (2) including a cooktop (5) that includes an upper peripheral portion (13) and a recessed well area (15). The peripheral portion (13) defines a plurality of air openings (120), (121), and (124) that are raised above gas burners (20), (21), (22), and (23), and that draw in and exhaust air. Levi also describes sectional seals (109) and (110) that couple an isolation pan (102) to an underside of cooktop (5). Notably, the peripheral portion (13) is integral with other portions of the cooktop (5). Moreover, the sectional seal (110) aids in sealing the cooktop (5) to a countertop (116), not to other portions of the cooktop (5).

Waite describes a vent cover for an attic fan mounted above a ceiling. The cover includes an outer border (2) including retaining members (8) used to couple panels (5), (6), and (7) to a bottom surface of the outer border (2) and lips (4) of a frame (1). Notably, Waite does not describe or suggest that the retaining members (8) couple the vent within an opening defined in the ceiling.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some

teaching, suggestion, or incentive supporting the combination. Neither Levi nor Waite, considered alone or in combination, describes or suggests the claimed combination. Further, in contrast to the Examiner's assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Levi and Waite, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching. Rather, only the conclusory statement that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Levi apparatus by replacing the Levi seals with the Waite clips in order to allow the vent to be quickly installed onto the cooktop surface" suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, or any reasonable expectation of success has been shown.

Further, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It is also impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated

disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

The seals (109) and (110) described in Levi mount the isolation pan (102) to an underside of cooktop (5) or alternatively seal the cooktop (5) to a countertop (116). If the Levi seals (109) and (110) were replaced with the retaining members (8) described in Waite, such combination merely suggests another way of mounting the isolation pan (102) to a bottom surface of the cooktop (5). Because the peripheral portion (13) is integral with the cooktop (5), adding the retaining clips (8) of Waite would not assist in quickly installing the peripheral portion (13) onto the cooktop (5).

For at least the reasons stated above, Applicants submit that it would not be obvious to a person of ordinary skill in the art to replace Levi's seals (109) and (110) with Waite's retaining members (8).

Moreover, and to the extent understood, neither Levi nor Waite, considered alone or in combination, describes or suggests the claimed invention. Specifically, Claim 1 recites an air inlet system for a gas cooking apparatus comprising at least one gas burner and a burner box around the gas burner. The air inlet system includes "a cooktop configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into the burner box to provide air for the gas burner, said at least one vent cut defining a recessed corner of said cooktop; and a vent trim removably attached to said cooktop and covering the vent cut, said vent trim comprising a surface with openings raised above a top surface of the cooktop, an attachment portion overlapping said top surface of the cooktop, and at least one clip overlapping a bottom surface of said cooktop, said vent trim surface defining an underlying cavity, wherein said openings are configured to allow outside air to enter the vent cut through the vent trim."

Neither Levi nor Waite, considered alone or in combination, describes or suggests an air inlet system as recited in Claim 1. More specifically, neither Levi nor Waite, considered

alone or in combination, describes or suggests an air inlet system including a vent trim removably attached to a cooktop to cover a vent cut and including an attachment portion overlapping a top surface of the cooktop, and at least one clip overlapping a bottom surface of the cooktop, as required by Applicants' claimed invention. Rather, in contrast to the present invention, Levi describes a cooktop including an integral peripheral portion that includes a plurality of openings, and Waite describes an attic vent cover including retaining clips for coupling portions of the cover.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Levi in view of Waite.

Claims 5-7 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 5-7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 5-7 likewise are patentable over Levi in view of Waite.

Claim 10 recites an air inlet system for a gas cooking apparatus having at least one gas burner and a burner box, the air inlet system including "a cooktop configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into the burner box to provide air for the gas burner; and an elongated cover member removably attached to a top face of said cooktop and covering the at least one peripheral vent cut, said cover member having a surface with openings configured to allow outside air to enter the at least one peripheral vent cut through the cover member, and said cover member including a raised surface isolating said openings from spills on said cooktop, said raised surface defining an underlying cavity, said cover member comprising at least one tab extending within said cavity to mount said cover member on said top face, and said tab engaging a top surface of said top face."

Neither Levi nor Waite, considered alone or in combination, describes or suggests an air inlet system as recited in Claim 10. More specifically, neither Levi nor Waite, considered alone or in combination, describes or suggests an air inlet system including an elongated

cover member removably attached to a top face of a cooktop and covering at least one peripheral vent cut, and the cover member including a tab engaging a top surface of the top face, as required by Applicants' claimed invention. Rather, in contrast to the present invention, Levi describes a cooktop including an integral peripheral portion that includes a plurality of openings, and Waite describes an attic vent cover including retaining clips for coupling portions of the cover.

Accordingly, for at least the reasons set forth above, Claim 10 is submitted to be patentable over Levi in view of Waite.

Claims 11-13 depend, directly or indirectly, from independent Claim 10. When the recitations of Claims 11-13 are considered in combination with the recitations of Claim 10, Applicants submit that dependent Claims 11-13 likewise are patentable over Levi in view of Waite.

Claim 16 recites a gas cooking apparatus including "at least one gas burner; a burner box for said at least one gas burner; a cooktop configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into the burner box to provide air for said at least one gas burner, said at least one peripheral vent cut defining a recessed corner of said cooktop; and a vent trim removably attached to said cooktop and covering said at least one peripheral vent cut, said vent trim comprising a surface with openings raised above a top surface of said cooktop, an attachment portion overlapping said top surface of said cooktop, and at least one clip overlapping a bottom surface of said cooktop, said vent trim surface defining an underlying cavity, wherein said openings are configured to allow outside air to enter said at least one peripheral vent cut through said vent trim."

Neither Levi nor Waite, considered alone or in combination, describes or suggests a gas cooking apparatus as recited in Claim 16. More specifically, neither Levi nor Waite, considered alone or in combination, describes or suggests a cooking apparatus including a vent trim removably attached to a cooktop and covering at least one peripheral vent cut, the

vent trim including an attachment portion overlapping a top surface of the cooktop, and at least one clip overlapping a bottom surface of the cooktop, as required by Applicants' claimed invention. Rather, in contrast to the present invention, Levi describes a cooktop including an integral peripheral portion that includes a plurality of openings, and Waite describes an attic vent cover including retaining clips for coupling portions of the cover.

Accordingly, for at least the reasons set forth above, Claim 16 is submitted to be patentable over Levi in view of Waite.

Claims 20-22 depend, directly or indirectly, from independent Claim 16. When the recitations of Claims 20-22 are considered in combination with the recitations of Claim 16, Applicants submit that dependent Claims 20-22 likewise are patentable over Levi in view of Waite.

Claim 25 recites a gas cooking apparatus including "at least one gas burner; a burner box for said at least one gas burner; a sealed cooktop configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into the burner box to provide air for the gas burner; and an elongated cover member removably attached to a top face of said cooktop and covering the at least one peripheral vent cut, said cover member having a surface with openings configured to allow outside air to enter the at least one peripheral vent cut through the cover member, and said cover member including a raised surface isolating said openings from spills on said cooktop, said raised surface defining an underlying cavity, said cover member comprising at least one tab extending within said cavity to mount said cover member on said top face, and said tab engaging a top surface of said top face."

Neither Levi nor Waite, considered alone or in combination, describes or suggests a gas cooking apparatus as recited in Claim 25. More specifically, neither Levi nor Waite, considered alone or in combination, describes or suggests a gas cooking apparatus including an elongated cover member removably attached to a top face of a cooktop and covering at least one peripheral vent cut, and the cover member including a tab engaging a top surface of

the top face, as required by Applicants' claimed invention. Rather, in contrast to the present invention, Levi describes a cooktop including an integral peripheral portion that includes a plurality of openings, and Waite describes an attic vent cover including retaining clips for coupling portions of the cover.

Accordingly, for at least the reasons set forth above, Claim 25 is submitted to be patentable over Levi in view of Waite.

Claims 26-28 depend, directly or indirectly, from independent Claim 25. When the recitations of Claims 26-28 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claims 26-28 likewise are patentable over Levi in view of Waite.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1, 5-7, 10-13, 16, 20-22, and 25-28 be withdrawn.

The rejection of Claims 3, 4, 14, 15, 18, 19, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Levi in view of Waite, and further in view of U.S. Patent 5,653,219 to Taplan et al. (hereinafter referred to as "Taplan '219") is respectfully traversed.

Taplan '219 describes a cooktop (1) including a cook plate (2) and an air-inlet device (9) attached to a bottom surface of the cook plate (2) to cover an opening/gap (8) defined in the cook plate (2). The air-inlet device (9) is coupled to the cook plate (2) in a seal-tight engagement, such as with adhesive. Notably, Taplan '219 does not describe or suggest that the air-inlet device (9) includes an attachment portion overlapping a top surface of the cook plate (2).

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Levi, Waite, and Taplan '219, considered alone or in combination, describes or suggests the claimed

combination. Further, in contrast to the Examiner's assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Levi with either Waite or Taplan '219 because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, or any reasonable expectation of success has been shown.

Further, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It is also impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

Claim 1 recites an air inlet system for a gas cooking apparatus comprising at least one gas burner and a burner box around the gas burner. The air inlet system includes "a cooktop

configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into the burner box to provide air for the gas burner, said at least one vent cut defining a recessed corner of said cooktop; and a vent trim removably attached to said cooktop and covering the vent cut, said vent trim comprising a surface with openings raised above a top surface of the cooktop, an attachment portion overlapping said top surface of the cooktop, and at least one clip overlapping a bottom surface of said cooktop, said vent trim surface defining an underlying cavity, wherein said openings are configured to allow outside air to enter the vent cut through the vent trim.”

None of Levi, Waite, and Taplan ‘219, considered alone or in combination, describes or suggests an air inlet system as recited in Claim 1. More specifically, none of Levi, Waite, and Taplan ‘219, considered alone or in combination, describes or suggests an air inlet system including a vent trim removably attached to a cooktop to cover a vent cut and including an attachment portion overlapping a top surface of the cooktop, and at least one clip overlapping a bottom surface of the cooktop, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Levi describes a cooktop including an integral peripheral portion that includes a plurality of openings, Waite describes an attic vent cover including retaining clips for coupling portions of the cover, and Taplan ‘219 describes an air-inlet device coupled to a bottom surface of a cook plate with adhesive.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Levi in view of Waite, and further in view of Taplan ‘219.

Claims 3 and 4 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 3 and 4 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3 and 4 likewise are patentable over Levi in view of Waite, and further in view of Taplan ‘219.

Claim 10 recites an air inlet system for a gas cooking apparatus having at least one gas burner and a burner box, the air inlet system including “a cooktop configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into

the burner box to provide air for the gas burner; and an elongated cover member removably attached to a top face of said cooktop and covering the at least one peripheral vent cut, said cover member having a surface with openings configured to allow outside air to enter the at least one peripheral vent cut through the cover member, and said cover member including a raised surface isolating said openings from spills on said cooktop, said raised surface defining an underlying cavity, said cover member comprising at least one tab extending within said cavity to mount said cover member on said top face, and said tab engaging a top surface of said top face.”

None of Levi, Waite, and Taplan ‘219, considered alone or in combination, describes or suggests an air inlet system as recited in Claim 10. More specifically, none of Levi, Waite, and Taplan ‘219, considered alone or in combination, describes or suggests an air inlet system including an elongated cover member removably attached to a top face of a cooktop and covering at least one peripheral vent cut, and the cover member including a tab engaging a top surface of the top face, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Levi describes a cooktop including an integral peripheral portion that includes a plurality of openings, Waite describes an attic vent cover including retaining clips for coupling portions of the cover, and Taplan ‘219 describes an air-inlet device coupled to a bottom surface of a cook plate with adhesive.

Accordingly, for at least the reasons set forth above, Claim 10 is submitted to be patentable over Levi in view of Waite, and further in view of Taplan ‘219.

Claims 14 and 15 depend, directly or indirectly, from independent Claim 10. When the recitations of Claims 14 and 15 are considered in combination with the recitations of Claim 10, Applicants submit that dependent Claims 14 and 15 likewise are patentable over Levi in view of Waite, and further in view of Taplan ‘219.

Claim 16 recites a gas cooking apparatus including “at least one gas burner; a burner box for said at least one gas burner; a cooktop configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into the burner box to

provide air for said at least one gas burner, said at least one peripheral vent cut defining a recessed corner of said cooktop; and a vent trim removably attached to said cooktop and covering said at least one peripheral vent cut, said vent trim comprising a surface with openings raised above a top surface of said cooktop, an attachment portion overlapping said top surface of said cooktop, and at least one clip overlapping a bottom surface of said cooktop, said vent trim surface defining an underlying cavity, wherein said openings are configured to allow outside air to enter said at least one peripheral vent cut through said vent trim.”

None of Levi, Waite, and Taplan ‘219, considered alone or in combination, describes or suggests a gas cooking apparatus as recited in Claim 16. More specifically, none of Levi, Waite, and Taplan ‘219, considered alone or in combination, describes or suggests a cooking apparatus including a vent trim removably attached to a cooktop to cover at least one peripheral vent cut and including an attachment portion overlapping a top surface of the cooktop, and at least one clip overlapping a bottom surface of the cooktop, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Levi describes a cooktop including an integral peripheral portion that includes a plurality of openings, Waite describes an attic vent cover including retaining clips for coupling portions of the cover, and Taplan ‘219 describes an air-inlet device coupled to a bottom surface of a cook plate with adhesive.

Accordingly, for at least the reasons set forth above, Claim 16 is submitted to be patentable over Levi in view of Waite, and further in view of Taplan ‘219.

Claims 18 and 19 depend, directly or indirectly, from independent Claim 16. When the recitations of Claims 18 and 19 are considered in combination with the recitations of Claim 16, Applicants submit that dependent Claims 18 and 19 likewise are patentable over Levi in view of Waite, and further in view of Taplan ‘219.

Claim 25 recites a gas cooking apparatus including “at least one gas burner; a burner box for said at least one gas burner; a sealed cooktop configured to cover said burner box and

having at least one peripheral vent cut configured to vent outside air into the burner box to provide air for the gas burner; and an elongated cover member removably attached to a top face of said cooktop and covering the at least one peripheral vent cut, said cover member having a surface with openings configured to allow outside air to enter the at least one peripheral vent cut through the cover member, and said cover member including a raised surface isolating said openings from spills on said cooktop, said raised surface defining an underlying cavity, said cover member comprising at least one tab extending within said cavity to mount said cover member on said top face, and said tab engaging a top surface of said top face.”

None of Levi, Waite, and Taplan ‘219, considered alone or in combination, describes or suggests a gas cooking apparatus as recited in Claim 25. More specifically, none of Levi, Waite, and Taplan ‘219, considered alone or in combination, describes or suggests a gas cooking apparatus including an elongated cover member removably attached to a top face of a cooktop and covering at least one peripheral vent cut, and the cover member including a tab engaging a top surface of the top face, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Levi describes a cooktop including an integral peripheral portion that includes a plurality of openings, Waite describes an attic vent cover including retaining clips for coupling portions of the cover, and Taplan ‘219 describes an air-inlet device coupled to a bottom surface of a cook plate with adhesive.

Accordingly, for at least the reasons set forth above, Claim 25 is submitted to be patentable over Levi in view of Waite, and further in view of Taplan ‘219.

Claims 29 and 30 depend, directly or indirectly, from independent Claim 25. When the recitations of Claims 29 and 30 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claims 29 and 30 likewise are patentable over Levi in view of Waite, and further in view of Taplan ‘219.


For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 3, 4, 14, 15, 18, 19, 29, and 30 be withdrawn.

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In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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